

**From:** O'Connor, Christine <CO'Connor@lowellma.gov>

**Sent:** Sunday, November 20, 2022 3:38:52 PM

**To:** Chau, Sokhary <[schau@lowellma.gov](mailto:schau@lowellma.gov)>; [cmartin@commteam.org](mailto:cmartin@commteam.org) <[cmartin@commteam.org](mailto:cmartin@commteam.org)>; [dhlay9@yahoo.com](mailto:dhlay9@yahoo.com) <[dhlay9@yahoo.com](mailto:dhlay9@yahoo.com)>; [edelrossi@gmail.com](mailto:edelrossi@gmail.com) <[edelrossi@gmail.com](mailto:edelrossi@gmail.com)>; [jacdoherty@comcast.net](mailto:jacdoherty@comcast.net) <[jacdoherty@comcast.net](mailto:jacdoherty@comcast.net)>; Thompson, Stephanie <[sthompson@lowell.k12.ma.us](mailto:sthompson@lowell.k12.ma.us)>; Chhoun, Susie <[schhoun@lowell.k12.ma.us](mailto:schhoun@lowell.k12.ma.us)>

**Cc:** Gettings, Celine <[cgettings@lowellma.gov](mailto:cgettings@lowellma.gov)>; Anderson, Helen <[HAnderson@lowellma.gov](mailto:HAnderson@lowellma.gov)>; Boyd, Joel <[jboyd@lowell.k12.ma.us](mailto:jboyd@lowell.k12.ma.us)>; McKenna, John J. <[JMcKenna@lowellma.gov](mailto:JMcKenna@lowellma.gov)>

**Subject:** Internal Complaints

Dear Mayor and committee members,

As I conclude my service with the City, I write regarding recent complaints made to the Law Department alleging ongoing violation of the District's hiring policies, DESE regulations, and state law. While these complaints also implicate violations of applicable CBA provisions, the allegations taken as a whole, reach well beyond the otherwise exclusive jurisdiction of available grievance procedures. Specific claims of retaliation have also been made after individuals reported claims to supervisors, certain members of the Central Office, and the union. As such, those who have come forward should at this stage be viewed as falling under the protection of the Whistleblower Act.

For the above reasons, I would recommend that the Committee retain outside counsel to formally investigate these claims and report their findings to the Committee and the Superintendent. Details of these complaints have been left with attorney Helen Anderson of the Law Department.

While the Committee has the statutory authority to select general counsel and can utilize the Law Department for this matter, should the Committee desire move forward with outside counsel, attorney Gwen King of King and Nolan, or Douglas McGarrah of Foley Hoag, have previously served as outside counsel to the City, and may be available to provide such services to the Committee and the Superintendent.

Very truly yours,

Christine O'Connor

Get [Outlook for iOS](#)

**From:** Doherty, Jacqueline <jadoherty@lowell.k12.ma.us>  
**Sent:** Wednesday, February 1, 2023 10:49 AM  
**To:** School Committee Mail <SchoolCommittee@lowell.k12.ma.us>; Connie Martin <Cmartin@COMTEAM.org>  
**Cc:** Boyd, Joel <jboyd@lowell.k12.ma.us>; Palazzo, Minerva <mpalazzo@lowell.k12.ma.us>; Sheehan, Mary <msheehan@lowell.k12.ma.us>; Jackie <jacdoherty@comcast.net>  
**Subject:** Document re hiring outside counsel for discussion tonight

Colleagues,

This issue of hiring outside counsel to investigate internal complaints came before us at our regularly scheduled meeting on Dec. 7 when a joint motion was removed from the agenda. Since then, we have had 2 executive sessions, 1 special meeting, and 2 personnel subcommittee meetings on this issue. We are also in the process of scheduling a special meeting next week to take action on this matter. Nearly 7 meetings and 2 months later, we still don't have written proposals with rates from the recommended attorneys. Attached please find a Scope of Services draft and timeline for moving forward to discuss at tonight's meeting. Despite multiple meetings and Mr. McKenna's latest email, we still do not have the scope, proposals or rates to make a decision, so I suggest we move forward on our own. The excessive delays have been unfair and disrespectful to the committee as well as the employees who came forward with concerns. I look forward to discussing at tonight's meeting. Thank you.

**Jackie Doherty**  
**Vice Chair, Lowell School Committee**  
Cell: 978-660-0810  
<https://www.lowell.k12.ma.us/>



*Motion to have SC Recording Secretary Mary Sheehan email below Scope of Services to: Gwen King of King and Nolan; Douglas McGarrah of Foley Hoag; and Michael Stefanilo of BHPK. Request the above-named attorneys respond with hourly rates and relevant experience to Mary Sheehan by Monday, Feb. 6. As per its statutory authority, the school committee shall select one attorney to conduct the investigation at a special meeting.*

## **Scope of Services: Investigation of Internal Complaints re LPS Hiring Practices**

### **About Lowell:**

The City of Lowell was founded in 1826 as a planned industrial community and has a long history of being a gateway for newcomers. With a current population of about 115K, Lowell is the fifth largest community in the Commonwealth. Lowell follows a Plan E form of government with three at-large and eight district Councilors elected to serve two-year terms. Selected by a majority of fellow Councilors, the Mayor leads the City Council while also serving as Chair of the School Committee, which is comprised of two at-large and four district members also serving two-year terms.

The Lowell Public Schools currently enrolls more than 14,100 students, pre-k through grade 12, in 27 schools, one High School currently undergoing significant renovation, a career academy, and three schools for students with disabilities. According to DESE 2022-23 enrollment data, Lowell student demographics include 39.8% Hispanic, 26.7% Asian, 21.8% white, 7.6% African American, and 4.1% Multi-Race Non Hispanic. DESE staffing data (2021-22) indicates the Lowell Public School District employs about 1,100 teachers and a total of 2,126 FTE staff.

### **Background on Request for Investigation:**

Several complaints were reported to the Lowell Law Department during October-November 2022. Prior to leaving her role as City Solicitor, Christine O'Connor emailed the Lowell School Committee on Nov. 20, 2022 recommending outside counsel be hired to investigate "recent complaints made to the Law Department alleging ongoing violation of the District's hiring policies, DESE regulations, and state law." (See attached letter.)

Further, the City Solicitor noted: "the allegations taken as a whole reach well beyond the otherwise exclusive jurisdiction of available grievance procedures. Specific claims of retaliation have also been made after individuals reported claims to supervisors, certain members of the Central Office, and the Union. As such, those who have come forward should at this stage be viewed as falling under the protection of the Whistleblower Act."

On Dec. 14, the Lowell School Committee voted to move forward and get outside counsel to look into the allegations addressed in the former City Solicitor's letter.

### **Scope of Services**

The Lowell School Committee is seeking to hire counsel to investigate the complaints and prepare a report with recommendations. The investigation could include interviews with upwards of 10-25 individuals including the former city solicitor, the complainants, relevant administrators and staff, as well as a review of pertinent documentation. There may be a need to expand investigative services if there is merit in the allegations, more complainants come forward, or further action is required. Prior to expanding the scope of services (should it be warranted), the selected Attorney will present results of the initial investigation to the Committee in an appropriate format as deemed by law.